must be a finding of a reasonable expectation of success resulting from such modification (MPEP 2143, Section G). The Examiner has not made either of these findings, and therefore, the rationale for obviousness based on structural similarity cannot be used to support a conclusion that the present claims would have been obvious to one of ordinary skill in the art (MPEP 2143, Section G).

The closest prior art compound seems to be the compound of Example 8 at column 157 of TenBrink et al., since none of the other compounds have the required feature of the instant invention (i.e. the feature $-CH_2-C(R^5)_2X-R^6$).

However, it would not have been obvious for someone of ordinary skill to start with the compound of Example 8, and furthermore, there was no motivation and no suggestion to make the necessary structural modifications (Rc other than aryl-alkyl) to arrive at the presently claimed compounds, nor was there a reasonable expectation of success. In this regard, please see *Takeda Chemical Industries, Ltd. et al. v. Alphapharm PTY., Ltd. et al.*, 83 USPQ2d 1169 (CAFC, June 28, 2007) wherein the Court stated that:

"An obviousness argument based on structural similarities between the claimed and prior art compounds clearly depends on the preliminary finding that one of ordinary skill in the art would have selected the prior art compound as lead compound."

A person of ordinary skill in the art would not have been motivated to choose the Example 8 compound as a lead compound. The reference discloses compounds with beta secretase inhibitory activity for the treatment of Alzheimers disease. Thus, there is no motivation to start with a beta secretase inhibitor if the art-skilled is designing a renin inhibitor useful for the treatment of hypertension.

Furthermore the aforementioned decision points out:

"For a claimed compound to be *prima facie* obvious over the prior art compound with structural similarity, the prior art must suggest making the specific structural modification necessary to arrive at the claimed invention."

Even if the Example 8 compound could have been considered a lead compound (which is not the case), there was no motivation to replace the benzyl group (present in all examples of the TenBrink et al. reference) since the reference teaches that the benzyl group at the R^6 position must be a critical feature since it is the only exemplified variable for Rc.

In addition, there would not have been an expectation of success. There is no teaching in the prior art or in the general knowledge of a person of ordinary skill in the art that making the described structural modifications on a beta secretase inhibitor would result in a compound with renin inhibitory activity.

For these reasons, Applicants maintain their position that the presently claimed compounds are patentable over the applied reference.

Therefore, in view of the foregoing remarks, it is submitted that the rejection based on the TenBrink et al. reference should be withdrawn, placing the application in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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